

**EXPEDITED PROCESSING
RESPONSE TO FINAL OFFICE ACTION****REMARKS**

Applicant had appealed this application to the Board of Patent Appeals and Interferences. However, the Office issued a new Office Action on September 20, 2005 asserting new grounds of rejection of all of the pending claims. Applicant filed a response to that Office Action traversing all rejections. The Office has now issued a Final Office Action dated March 28, 2006.

In this latest Office Action, the Office has rejected all of the claims based on the same prior art asserted in the previous Office Action. Particularly, the Office rejected claims 11-13, 16, and 17 as anticipated by U.S. Patent No. 6,076,108 issued to Courts et al. (hereinafter Courts). The Office further rejected claim 14 as obvious over Courts and Prabandham. The Office further rejected claim 1-10, 15, 18, 22, and 23 as obvious over Courts and Prabandham further in view of Ng.

Applicant respectfully traverses. The rejection and Applicant's traversal thereof were fully vetted in the last Office Action and Applicant's response thereto and need not be repeated fully here. In summary, however, the dispute between the Office and Applicant centers around the issue of whether Courts discloses that the writing of the session data to the global database is performed "at a designated time that is a function of a predetermined time interval since a last write to said data base ...".

The Office contends that this is found in Courts at column 2, lines 54-61 and column 9, lines 36-52.

**EXPEDITED PROCESSING
RESPONSE TO FINAL OFFICE ACTION**

Applicant contended (1) that Courts, column 9, lines 36-52 teaches writing session data to a global database every time the local session data is updated, exactly as described as the prior art in the Background section of the present application, and (2) that column 2, lines 54-61 is entirely relevant to the issue of session data.

In the Response to Arguments section of the latest, Final Office Action, the Office has expanded upon its position as to where and how Courts teaches this timing feature and, particularly, has explained its understanding of column 2, lines 54-61.

This has been tremendously helpful in assisting Applicant with addressing this issue.

Particularly, the Office explained:

As seen in, col. 2, lines 54-61, there is the storage of data based on time. The Applicant's only argument towards this rejection states that "column 2 is general background and that it is essentially irrelevant to the present issue" with no proof of this claim. The rejection from column 2 is not general background and is not irrelevant at all. Column 2 shows storage of data based on user activity over time which is equivalent to the claimed invention.

Accordingly, column 2, lines 54-61 is the crux of the present dispute. Column 2, lines 54-61 is reproduced below for ease of reference.

Services 30, trend data collection layer 32 and management console 34 span the four layers 12, 14, 16 and 18. Trend data collection layer 32 can store data, based upon user activity over time, in a trend database 36. One use for trend database 36 is to be mined for data to populate a profile database 38. This profile data can be used to characterize individual users and can be fed back into presentation layer 14 and business layer 16. (Column 2, lines 54-61).

While the Office is correct that column 2, lines 54-61 discusses storing data and such data is derived from user activity, the data it is not session data nor is the data

**EXPEDITED PROCESSING
RESPONSE TO FINAL OFFICE ACTION**

written at a designated time that is a function of a predetermined time interval since a last write to said database.

Particularly, quite clearly, the data being discussed in column 2, lines 54-61 is user profile information, e.g., age, name, home address, credit card number, etc. This has absolutely nothing to do with http session data that is used to maintain consistency across request/response pairs in the same http session serviced by different servers.

Accordingly, column 2, lines 54-61 teach nothing about http session data, let alone when to write it out to a global database.

Furthermore, contrary to the Office's assertions, column 2, lines 54-61 do not disclose anything about the timing of when such user profile data is stored, in any event. The Office clearly has misunderstood the sentence that reads "Trend data collection layer 32 can store data, based upon user activity over time, in a trend database 36." The Office apparently has read the qualifying phrase "based upon user activity over time" to pertain to the timing at which such data is stored. However, clearly, that phrase qualifies the data itself, not the timing of the storage of that data. Note that the data that is being collected is called "trend data", which essentially means data that is "based upon user activity over time". That is what "trend" means. There is no basis whatsoever to believe that this phrase pertains to the timing of the storage of that data. There is no mention of the timing of the storage of the data in this paragraph. Thus, how could this phrase concern that topic?

Even further, even if that sentence was intended to describe the timing of the storage of the data (which it clearly is not), it can hardly be considered to disclose the

EXPEDITED PROCESSING
RESPONSE TO FINAL OFFICE ACTION

same timing claimed in the claims, i.e., "at a designated time that is a function of a determined time interval since a last write". The term "based on user activity over time" would be virtually meaningless in the context of the timing of the storage of data. Certainly it would encompass the prior art technique described in the Background section of the present application of writing to the global session database every time the session data is changed.

Thus, even (1) accepting, for the sake of argument, the Office's position that this phrase is intended to describe the timing of the storage of data, rather than the nature of the data and (2) also assuming, for the sake of argument, that this section is discussing http session data (which it clearly is not), the phrase "based upon user activity over time" would read on the virtually any timing scheme possible. Thus, even accepting every erroneous assumption made by the Office as to what is stated in column 2, lines 54-51, there still would be no teaching of the claimed timing.

Accordingly, claim 11 clearly distinguishes over Courts.

Claim 1 distinguishes over the prior art for at least all of the same reasons given above in connection with independent claim 11. Ng does not disclose the teachings lacking from the other references discussed above.

Likewise, independent claim 18 recites "a second computer program adapted to write a copy of said http session data for each said http session in said database at designated times, said designated times determined as a function of at least one of (a) the number of times the http session object data is updated in said local memory and (b) the number of times said http request in said http session is serviced". Accordingly,

**EXPEDITED PROCESSING
RESPONSE TO FINAL OFFICE ACTION**

claim 18 distinguishes over the prior art for essentially the same reasons as independent claims 1 and 11 as discussed above.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

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